

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

|                  |   |           |
|------------------|---|-----------|
| WILLIAM KIMBLE,  | ) |           |
|                  | ) |           |
| Plaintiff,       | ) |           |
|                  | ) |           |
| v.               | ) | 1:18CV818 |
|                  | ) |           |
| MARK L. MAYAKIS, | ) |           |
|                  | ) |           |
| Defendant.       | ) |           |

**ORDER**

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on October 31, 2018, was served on the parties in this action. (ECF Nos. 2, 3.) No objections were filed within the time prescribed by §636.

The Court hereby adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that this action is filed and DISMISSED *sua sponte* without prejudice to Plaintiff filing a new complaint on the proper §1983 forms, which corrects the defects of the present Complaint. A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 27<sup>th</sup> day of November 2018.

/s/ Loretta C. Biggs  
United States District Judge